

I.R.C.P. 16.b. Final pre-trial procedure.

Idaho Rules of Civil Procedure Rule 16(b). Final pre-trial procedure.

At least thirty (30) days before trial, the court shall engage in a pretrial process, which may include a formal pretrial conference, a pretrial memorandum submitted by the parties, pretrial submissions by stipulation of the parties, or other methods within the discretion of the presiding judge, by which the parties are required to confirm that the matter is proceeding to trial in the manner required by the court's scheduling order. If a formal pretrial conference is held, the court shall require at least one attorney for each party participating in the pretrial conference to have authority to enter into stipulations and to make admissions regarding all matters that may be reasonably anticipated. If a formal pretrial conference is held, it shall be on the record and any rulings of the court shall be reflected in a minute entry prepared as ordered by the court. Subjects of consideration at the pretrial conference may include but are not limited to:

(1) the status of mediation or ADR;

(2) the disposition of any pending motions;

(3) the possibility of obtaining admissions of fact and stipulations regarding the authenticity of exhibits, and the advisability of any advanced rulings from the court concerning the admissibility of evidence;

(4) the avoidance of unnecessary proof and of cumulative evidence;

(5) the necessity of amendments to the pleadings pursuant to Rule 15(b);

(6) the formulation and simplification of the issues to be presented at trial, including the elimination of abandoned or unsustainable claims and defenses;

(7) the identification of witnesses and exhibits;

(8) the pre-marking of exhibits and procedures for the handling of exhibits, in conformance with Idaho Court Administrative Rule 71;

(9) jury instructions and jury selection issues;

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(10) the need for an interpreter as provided in Idaho Court Administrative Rule 52 for any party or witness;

(11) the need for pre-trial briefing, and filing deadlines, if necessary; and

(12) any other matter which would aid in the fair and efficient resolution of the case.

(Adopted March 28, 1986, effective July 1, 1986; amended April 19, 1995, effective July 1, 1995; amended March 17, 2006, effective July 1, 2006; repealed and replaced April 2, 2014, effective July 1, 2014; amended March 9, 2015, effective July 1, 2015.)

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